



FRANK A. VALVERDE
PARTNER
(516) 357-3339
Frank.valverde@rivkin.com

WWW.RIVKINRADLER.COM

926 RXR Plaza
Uniondale, NY 11556-0926
T 516.357.3000 F 516.357.3333

March 25, 2020


MEMO ENDORSED:

VIA ECF FILING

Honorable Paul G. Gardephe
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

The application is granted. All briefs are due two days later than previously ordered. The parties are encouraged to resolve this matter through settlement.

Re: *The Travelers Indem. Co. v. Harleysville Ins. Co., et al.*,
Case No.: 18-cv-600 (PGG)
RR file no.: 4584-413


Dated: March 27, 2020

Your Honor:

We represent plaintiff, The Travelers Indemnity Company (“Travelers”), in this declaratory judgment action (“DJ”). Pursuant to the Court’s March 19, 2020 Order (“Order”) granting summary judgment to Travelers, Defendant, Harleysville Insurance Company of New York (“Harleysville”), had and has a primary and non-contributory duty to defend Genesys Engineering, PC, the City University of New York, Herbert H. Lehman College and the State of New York (“Underlying Defendants”) in two related underlying bodily injury actions. As such, Harleysville is liable for the past fees, costs and expenses (collectively, “Costs”) that Travelers incurred in defending the Underlying Defendants. *See* Order at fn 8.

Given the Order holding Harleysville had a duty to defend the Underlying Defendants, there is no dispute that Travelers is entitled to reimbursement of its Costs incurred defending the Underlying Defendants. The Court has instructed Travelers to brief the issue of the Costs and to seek an accounting of the Costs by April 2, 2020 “to the extent that the parties dispute these issues”. The Costs have been submitted to Harleysville and are being reviewed. The parties are optimistic that any issues over the Costs can be amicably resolved. Accordingly, we respectfully request an extension of time until **April 4, 2020**, to move for the Costs and an accounting, if necessary. This extension of time is also necessitated by delays caused by the coronavirus as the parties and their counsel are working remotely with minimal support staff. Harleysville has consented this request.

9 Thurlow Terrace
Albany, NY 12203-1005
T 518.462.3000 F 518.462.4199

21 Main Street, Court Plaza South
West Wing, Suite 158
Hackensack, NJ 07601-7021
T 201.287.2460 F 201.489.0495

477 Madison Avenue
New York, NY 10022-5843
T 212.455.9555 F 212.687.9044

2649 South Road
Poughkeepsie, NY 12601-6843
T 845.473.8100 F 845.473.8777

Hon. Paul G. Gardephe
August 21, 2018
Page 2 of 2

We thank the Court for its attention to this matter.

Very truly yours,

RIVKIN RADLER LLP

/s/
Frank A. Valverde

cc: Jeffrey Rubinstein, Esq (for Harleysville) (Via ECF)